

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

LAKERSKO BROWN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:00-0665
)	JUDGE ECHOLS
TENNESSEE DEPARTMENT OF)	
FINANCE AND ADMINISTRATION)	
and M.D. GOETZ, Jr., Commissioner,)	
)	
Defendants.)	

ORDER

In accordance with the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) Defendants’ Motion To Vacate The Agreed Order Approving The Settlement Agreement And To Dismiss The Case (Docket Entry No. 155) is hereby GRANTED, but only to the extent that Defendants need no longer honor their commitment in the Settlement Agreement to develop “provider network capacity” or any commitment they arguably made to eliminate a waiting list for services by December 31, 2009, as determined by the Sixth Circuit in Brown v. Tennessee Dept. of Finance and Admin., 561 F.3d 542 (6th Cir. 2009). The motion is hereby DENIED in all other respects.

(2) Defendants’ Motion For Summary Judgment (Docket Entry No. 266) is hereby GRANTED. Within the limits or caps set for the federally approved Medicaid waivers, to the extent there exist available waiver slots and funding for those slots, Defendants shall be required to comply

with the Settlement Agreement provisions to enroll eligible individuals on the waiting list into those slots with reasonable promptness before the Settlement Agreement expires on December 31, 2009.

(3) Plaintiffs' Motion For Summary Judgment (Docket Entry No. 269) is hereby DENIED.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE